

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ALBERTO DELARA,

Plaintiff

v.

DIAMOND RESORTS INTERNATIONAL  
MARKETING, INC.,

Defendant

Case No.: 2:19-cv-00022-APG-NJK

**Order Granting in Part Motions to Seal**

[ECF Nos. 161, 164]

Defendant Diamond Resorts International Marketing Inc. (Diamond) moves to seal exhibits A, E, F, and G to the Declaration of Todd Fountain. ECF No. 161. Those documents (filed under seal at ECF No. 162) appear to contain sensitive trade secrets, so I will allow those to remain under seal. *Kamakana v. City and Co. of Honolulu*, 447 F.3d 1172, 1178-1181 (9th Cir. 2006).

Plaintiff Alberto Delara moves to seal some documents filed as exhibits to its motion for summary judgment. ECF No. 164. Diamond marked those documents as “confidential,” but none of them seems to contain sensitive trade secrets. Indeed, one of the document is a Public Offering Statement that presumably has been disseminated to the public and may have been filed with a governmental agency. *See* ECF No. 165 at 70-111.<sup>1</sup> The other documents appear to be form contracts signed by the parties. *See* ECF No. 165. I do not see how those documents constitute trade secrets.

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<sup>1</sup> I previously noted that Diamond had designated as “confidential” documents that do not contain trade secret information. *See* ECF No. 154. This latest motion to seal increases my concern that Diamond simply marked all of its produced documents as “confidential” without first determining whether there was a basis to do so. Such tactics are sanctionable.

1 I THEREFORE ORDER that the defendant's motion to seal **(ECF No. 161) is granted.**  
2 The exhibits filed at ECF No. 162 shall remain under seal.

3 I FURTHER ORDER that the plaintiff's motion to seal **(ECF No. 164) is granted in**  
4 **part.** The exhibits filed at ECF No. 165 shall remain under seal. By August 20, 2021, Diamond  
5 shall file its own motion to seal those documents, specifically explaining why they contain  
6 sensitive trade secrets. If Diamond does not file the motion by then, the plaintiff will file  
7 publicly accessible versions of those documents by August 27, 2021.

8 DATED this 6th day of August, 2021.

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10 ANDREW P. GORDON  
11 UNITED STATES DISTRICT JUDGE  
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